INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT	WRITE IN	N THIS	SPACE

Case 10-CA-271297

Date Filed 1/12/21

FORM EXEMPT UNDER 44 U.S.C 3512

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the	e alleged unfair labor practice occurred or is occurrir SAINST WHOM CHARGE IS BROUGHT	ng.	
a. Name of Employer	57 (INOT WITOWI OT IX INOT IS BINGGOTTI	b. Tel. No.	
United States Postal Service		(404) 350-9193	
		c. Cell No.	
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	f. Fax No.	
u. Nauress (oneet, ony, state, and 211 code)	o. Employer representative	g. e-Mail	
1984 Howell Mill Rd	LeQuel Arthur		
GA Atlanta 30327	Station Manager	h. Number of workers employed	
		11. Number of workers employed 50	
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service		
Others	Mail Delivery		
k. The above-named employer has engaged in and is engaging i	n unfair labor practices within the meaning of sec	tion 8(a), subsections (1) and (list	
subsections) 3	of the National Labo	or Relations Act, and these unfair labor	
practices are practices affecting commerce within the meaning			
within the meaning of the Act and the Postal Reorganization A	Act.		
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pra	actices)	
Soc additional page			
See additional page			
3. Full name of party filing charge (if labor organization, give full	name, including local name and number)		
(b) (8), (b) (7)(C) Title:			
		41.7.1.11	
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. (b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	.	4c. Cell No.	
(3) (3), (3) (1)(3)			
		4d. Fax No.	
	}	4e. e-Mail	
		(b) (6), (b) (7)(C)	
E. Full name of national arinters discussion and the second of the secon	ish it is an affiliate or constituent with the trace of		
Full name of national or international labor organization of whorganization)	iich it is an amiliate or constituent unit (to de filled i	n when charge is filed by a labor	
,			
6. DECLARATION		Tel. No.	
I declare that I have read the above charge and that the statements	are true to the best of my knowledge and belief.	(b) (6), (b) (7)(C)	
7	b) (8). (b) (7)(C)	Office, if any, Cell No.	
By Title:			
	Print/type name and title or office, if any)	Fax No.	
(b) (6), (b) (7)(C)	1/12/2021 16:50:44	e-Mail	
Address	(date)	(b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or

supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Emergency Placement	^{©)(©)(0)} /2020



January 14, 2021

Anna Cobb, Field Examiner
National Labor Relations Board, Region 10
233 Peachtree St. NE
Harris Tower Ste. 1000
Atlanta, GA 30303-1504

VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Atlanta, GA 30327

Case No.: 10-CA-271297 Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Cobb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Roderick D. Eves

Deputy Managing Counsel

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD MENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE
Case Date Filed

10-CA-271297

February 1, 2021

Name of Employer United States Postal Service Address (street, city, state ZIP code) b. Tel. No. 404-350-9193 f. Fax No.	charge with NLRB Re	gional Director in which the alleged unfair labor practice 1. EMPLOYER AGAINST WHOM CHARGE IS BRO	
Address (street, city, state ZIP code) 8. Employer Representative LeQuel Arthur, Station Manager 9. e-Mail 1. Dispute Location (City and State) Attlanta, GA 1. Number of werkers at dispute location 504 Number of werkers at dispute location 507 The abover-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of ne National Labor Relations Act, and these unfair labor practices are unfair practices are unfair practices affecting commerce within the meaning of the Act, or these unfair bor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair bor practices are unfair practices affecting commerce within the meaning of the Act, and the Postal Recovarization Act. 1. Basis of the Change (self or in a clear and conclose statement of the facts constituting the eligeped unfair labor practices) 1. Basis of the Change (self or in a clear and conclose statement of the facts constituting the eligeped unfair labor practices) 1. Basis of the Change (self of in a clear and conclose statement of the facts constituting the eligeped unfair labor practices) 1. Basis of the Change (self of in a clear and conclose statement of the facts constituting the eligeped unfair labor practices) 1. Basis of the Change (self of in a clear and conclose statement of the facts constituting the eligeped unfair labor practices) 1. Basis of the Change (self of in a clear and conclose statement of the facts constituting the eligeped unfair labor practices) 1. Basis of the Change (self of in a clear and conclose statement of the facts constituting the eligeped unfair labor practices and clear constitution of Letter Carriers Branch 73 1. Basis of the Change (self of in a clear and conclose statement of the clear constitution of Letter Carriers Branch 73 1. Basis of the Change (self of in a clear and conclose statement of the clear constitution of Letter Carriers Branch 73 1. Basis of the Change (self of in a clear a	a. Name of Employer	II LIM LO I LIVIO MINO I I I I I I I I I I I I I I I I I I	b. Tel. No.
LeQuel Arthur, Station Manager g. e-Mail h. Dispute Location (City and State) Atlanta, GA Type of Establishment (factory, nursing home, below) Post Office The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of be National Labor Relations Act, and the seu unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair borbor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair borbor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair borbor practices are unfair borbor practices and Recoranization Act. Basis of the Charge (set forth a clear and concles statement of the facts constituting the elleged unfair labor practices) about (DIG) (D) (D) (D) (D) (D) (D) (D) (D) (D) (D			404-350-9193
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Address: (b) (6), (b) (7)(C) PILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT Discitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to sist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully torth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the	(b) (6) (b) (7)(C		Office, if any, Cell No.
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UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 10 401 W Peachtree St NW Suite 472 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

March 19, 2021

Roderick D. Eves, Deputy Managing Counsel United States Postal Service 1720 Market Street, Room 2400 Law Department - NLRB Unit St. Louis, MO 63155-9989

Patricia Delvecchio, Paralegal Specialist United States Postal Service LAW DEPT - NLRB UNIT 1720 Market Street, Room 2400 St. Louis, MO 63155-9948

(b) (6), (b) (7)(C)

National Association of Letter Carriers, Branch 73 1842 Candler Rd Atlanta, GA 30032

> Re: United States Postal Service Case 10-CA-271297

Dear Mr. Eves, Ms. Delvecchio, and (b) (6), (b) (7)(C)

The Region has carefully considered the charge alleging that United States Postal Service violated the National Labor Relations Act. I have decided to dismiss the Emergency Placement portion of the charge because the Step B Decision that issued on 2021, 2021 resolved the grievance and meets the standards set forth in *Alpha Beta Co.*, 273 NLRB 1546 (1985) in that the proceedings were fair and regular, all parties agreed to be bound by the settlement, and the settlement was not repugnant to the Act.

As explained below, I have also decided that further proceedings on the remaining portions of the charge regarding your (b) (6), (b) (7)(C), 2020 Emergency Placement should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to

March 19, 2021

achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the remaining portions of the charge in this matter to the grievance/arbitration process for the following reasons:

- 1. The Employer and the National Association of Letter Carriers, Branch 73 have a collective bargaining agreement currently in effect that provides for final and binding arbitration.
- 2. The (b) (6), (b) (7)(C), 2020 Emergency Placement as alleged in the charge is encompassed by the terms of the collective bargaining agreement.
- 3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the issues in the charge appear to be covered by provisions of the collective bargaining agreement, it is likely that the issues may be resolved through the grievance arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in Spielberg Manufacturing Company, 112 NLRB 1080 (1955) and Olin Corp., 268 NLRB 573 (1984). If the request concerns a grievance settlement, see Alpha Beta, 273 NLRB 1546 (1985). These Board decisions are available on our website, www.nlrb.gov.

Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator: If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on April 2, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 1, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 2, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to

(202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 2, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosures

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD NOTICE TO ARBITRATOR

TO:		
	(Arbitrator)	
	(Address)	
		NLRB Case Number 10-CA-271297
NLR	B Case Name: United States	ostal Service
NLRE proceed the un Region	Relations Board to administrative a charge in the above matter. Furted to arbitration before you in order to arbitration before you in order to the Regional Director can dersigned hereby requests that a	by the Regional Director of Region 10 of the National ly defer to arbitration the further processing of the her, both parties to the NLRB case have agreed to er to resolve the dispute underlying the NLRB charge. In the promptly informed of the status of the arbitration, topy of the arbitration award be sent to Regional Director, lanta, GA 30308 at the same time that it is sent to the
		(Name)
		(Title)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	Date:
I am appealing the action of the Re	gional Director in deferring the charge in
Case Name(s).	
Case No(s). (If more than one case number taken.)	er, include all case numbers in which appeal is
	(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

FORM NLRB-501 (2-18)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
10-CA-272	726 2/16/21	

INS	 LOT	101	10.

	which the alleged unfair labor practice occurred or is occurrin OYER AGAINST WHOM CHARGE IS BROUGHT	ng.
a. Name of Employer USPS		912-148-4186 c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 1030 US - 80 Pooler, 6A 31372	e. Employer Representative	g. e-mail
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service Stamps and mai	١
4a. Address (Street and number, city, state, and ZIP code	ement of the facts constituting the alleged untain labor practices affecting constituting the alleged untain labor practices of the facts constituting the alleged untain labor practices for the public and it was is days after the experiment is not barging time is a requested or interpretation. Management has a werything. Management has a werything including local name and number.	
(b) (6), (b) (7)(C)		4c. Cell No. 4d. Fax No. (b) (6), (b) (7)(C
5. Full name of national or international labor organization Natc Branch 5	n of which it is an affiliate or constituent unit <i>(to be filled in w</i>	when charge is filed by a labor organization)
I declare that I have read the abo	ARATION Eve charge and that the statements any knowledge and belief. (b) (6), (b) (7)(C) (Print/type name and title or office, it any)	(b) (6), (b) (7)(C) Office, if any, Cell No. Fax No.
$_{Address}_{(b)}(b)(6),(b)(7)$	(C) « 2/15/2021	(b) (6), (b) (7)(C

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



February 17, 2021

Nathan Gilbert, Field Attorney National Labor Relations Board, Region 10 233 Peachtree St., NE Harris Tower Ste. 1000 Atlanta, GA 30303 **VIA E-MAIL**

RE: UNFAIR LABOR PRACTICE CHARGE

Pooler, GA 31322

Case No.: 10-CA-272726 Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Gilbert:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Roderick D. Eves

Deputy Managing Counsel

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
10-CA-272726	March 10, 2021	

10-CA-2/2/2

	Director in which the alleged unfair labor practice o	
1.	EMPLOYER AGAINST WHOM CHARGE IS BROU	IGHT
a. Name of Employer United States Postal Service		b. Tel. No. (912) 748-4186 c. Cell No.
d. Address (street, city, state ZIP code) 1030 US Highway 80 W, Pooler, GA	e. Employer Representative	f. Fax No.
31322-2114		g. e-Mail
		h. Dispute Location (City and State) Pooler, GA
i. Type of Establishment (factory, nursing home, hotel)	j. Principal Product or Service	k. Number of workers at dispute location
Post Office	Mail and Stamps	8
During the last six months, the Employ 578, by refusing to timely provide and requested by (b) (6), (b) (7)(C) 3. Full name of party filing charge (if labor organiz National Association of Letter Carriers	yer has failed to bargain collectively and i for unreasonably delaying providing releven on several occasions. ation, give full name, including local name and numbers, Branch 578	rievances and complaints. n good faith with NALC Local Branch ant and necessary information
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WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE **Date Filed** Case 10-CA-272891 02/18/2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer b. Tel. No. (404) 370-8300 United States Postal Service c. Cell No. d. Address (street, city, state ZIP code) e. Employer Representative f. Fax No. 520 West Ponce De Leon Ave Tunya R Hill g. e-Mail GA Decatur 30030 Postmaster Tunya.R.Hill@usps.gov h. Number of workers at dispute location i. Type of Establishment (factory, nursing home, j. Principal Product or Service hotel) Services Delivery of Mail & Packages I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair

labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the Union and/or by failing to furnish information requested by the Union in a timely manner as described on the following page.

 Full name of party filing charge (if labor organization, give APWU Local 3434 	full name, including local name and number	ar)
4a(b) (6), (b) (7)(C) number, city, state, and ZIP code)		4b, Tel. No. (b) (6), (b) (7)(C)
		4c. Cell No.
		4d. Fax No.
		4e. e-Mail Apwnalc@bellsouth.net
5. Full name of national or international labor organization of	which it is an affiliate or constituent unit (to	be filled in when charge is filed by a labor
organization) APWU, AFL-CIO	·	
6. DECLARATION		Tel. No. (b) (6), (b) (7)(C)
I declare that I have read the above charge and that the my knowledge and belief.	e statements are true to the best of	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No.
harge)	Print Name and Title	Fax No.
(b) (6), (b) (7)(C)	Date:	e-Mail Apwnalc@bellsouth.net
	2 13 21	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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BASIS OF CHARGE, Continued

	Request Date	Request to	Items Requested	Date
1	10/06/2020	(b) (6), (b) (7)(C) (b) (6), (b) (/)(C) (b) (6), (b) (7)(C)	 Employee everything reports (EER), 3972s, and Investigative interview date information for (D) (G), (D) (7)(C) 	Provided None provided except for 3972 forms on 1/6/21
2	12/28/2020	(b) (6), (b) (7)(C) (b) (b), (b) (/)(C) (b) (6), (b) (7)(C)	 EER for (b) (6), (b) (7)(C) 1723 form for (b) (6), (b) (7)(C) EER for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) Overtime Desired List 10/1/20-Present Decatur (employee detail/job reports Updated Seniority Lists 	Not provided
3	1/20/2021	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)	 Overtime Desired List 12/1/20-Present Investigative Interviews 1/1/20-Present Clerk 3971 and 3972 forms 1/8/21-Present Return to Work Intake Form dates for and (b) (6), (b) (7)(C) Form 2432 for (b) (6), (b) (7)(C) SSA OJT Task Check List 	Not provided
4	^{(b)(b),(b)} /2021	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)	 EER for (b) (6), (b) (7)(C) 1/10/21-Present (b) (6), (b) (7)(C) Letter of Separation Letter of Separation dates documentation for (b) (6), (b) (7)(C) 3971 forms for (b) (6), (b) (7)(C) 	Not provided
5	1/29/2021	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)	1) EER Reports for all clerks 12/1/21- Present 2) PSE Everything Reports 12/1/21-Present 3) EER Reports for (b) (6), (b) (7)(C), (c) (c), (c) (c), (c) (c), (c), (c),	Not Provided
			 9) 1767 forms and facility hazard log assessment report from 1/1/21-present 10) 2021 Fiscal Safety and Labor Meeting Minutes for 1st and 2nd Quarter of 2021 	(b) (b). (b) (r)(c)



February 19, 2021

Kurt Brandner, Field Attorney National Labor Relations Board, Region 10 233 Peachtree ST NE Harris Tower, Suite 1000 Atlanta, GA 30303-1531 VIA E-MAIL

RE: UNFAIR LABOR PRACTICE CHARGE

Decatur, GA 30030

Case No.: 10-CA-272891 Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Brandner:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Roderick D. Eves

Deputy Managing Counsel

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

INSTRUCTIONS: File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
10-CA-273202	02/24/2021	

1.	EMPLOYER AGAINST WHOM CHARGE IS BROUG	THE THE
Name of Employer United States Postal Service		b. Tel. No. 678-433-0216 c. Cell No.
	E 5	G. OSH ITO.
d. Address (street, city, state ZIP code), 850 Windy Hill Road, Smyrna, GA	e, Employer Representative Ron Watson	f. Fax No.
30080		g. e-Mail
el .		h. Dispute Location (City and State) Smyrna, GA
i. Type of Establishment (factory, nursing home,	j. Principal Product or Service	k. Number of workers at dispute location
hotel) Postal Office	Postal Service	45
the National Labor Relations Act, and these unfair labor practices are unfair practices affecting comm	I is engaging in unfair labor practices within the mean labor practices are practices affecting commerce with erce within the meaning of the Act and the Postal Re	thin the meaning of the Act, or these unfair
2. Basis of the Charge (set forth a clear and concis	se statement of the facts constituting the alleged unfa	nir (abor practices)
union activities.	Service placed (b) (6), (b) (7)(C)on e	S *
3. Full name of party filing charge (if labor organization) (b) (6), (b) (7)(C)	ation, give full name, including local name and number	er)
(b) (6), (b) (7)(C)	P code)	4b, Tel. No. (b) (6), (b) (7)(C)
		4c. Cell No.
	38 gr	
		4d. Fax No.
¥		4e. e-Mail (b) (6), (b) (7)(C)
	nization of which it is an affiliate or constituent unit (&	o be filled in when charge is filed by a labor
organization)	(i)	
8 % 8 %	3	A Section of the Control of the Cont
	nd that the statements are true to the best of	Tel. No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (c) (b) (7)(c)	Office, if any, Cell No.
B, (si erson making ci	(b) (6), (b) (7)(C) harge) Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C)	Date: 2/2//2021	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seg. The principal use of the information is to

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information—the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



February 25, 2021

Kerstin Meyers, Field Attorney National Labor Relations Board, Subregion11 233 Peachtree St NE Harris Tower, Suite 1000 Atlanta, GA 30303-1504 VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Smyrna, GA 30080

Case No.: 10-CA-273202 Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Meyers:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov. Very truly yours,

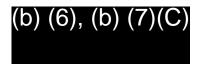
Roderick D. Eves

Deputy Managing Counsel

NATIONAL LABO REGION 10 401 W Peachtree St NW Suite 472 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

March 10, 2021



Roderick D. Eves, Deputy Managing Counsel United States Postal Service 1720 Market Street, Room 2400 Law Department - NLRB Unit St. Louis, MO 63155-9989

> Re: United States Postal Service Case 10-CA-273202

Dear (b) (6), (b) (7)(C) and Mr. Eves:

The Region has carefully considered the charge alleging that United States Postal Service violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.

- 2. The Employer retaliated against (b) (6), (b) (7)(C) by placing on emergency placement because of grievance filing activities as alleged in the charge, and this allegation is encompassed by the terms of the collective-bargaining agreement.
- 3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Union/Employer Conduct: If the Union or Employer fails to promptly process the grievance under the grievance/arbitration process; declines to arbitrate the grievance if it is not resolved; or if a conflict develops between the interests of the Union and the Charging Party, I may revoke deferral and resume processing of the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns

an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, <u>www.nlrb.gov</u>.

Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator: If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on March 24, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 23, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 24, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to

(202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 24, 2021, even if it is postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosures

cc: Ron Watson, Representative United States Postal Service 850 Windy Hill Road Smyrna, GA 30080

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD NOTICE TO ARBITRATOR

TO:		
	(Arbitrator)	
	(Address)	
		NLRB Case Number 10-CA-273202
NLR	B Case Name: United States Po	tal Service
NLRB proceed the uncertainty Region	Relations Board to administratively charge in the above matter. Further to arbitration before you in order So that the Regional Director can be dersigned hereby requests that a cop	the Regional Director of Region 10 of the National defer to arbitration the further processing of the t, both parties to the NLRB case have agreed to o resolve the dispute underlying the NLRB charge. The promptly informed of the status of the arbitration, y of the arbitration award be sent to Regional Director, ta, GA 30308 at the same time that it is sent to the
		(Name)
		(Title)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	Date:
I am appealing the action of the Re	gional Director in deferring the charge in
Case Name(s).	
Case No(s). (If more than one case numbe taken.)	r, include all case numbers in which appeal is
	(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

FORM NLRB-501 (2-18)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE	IN THIS SPACE
Case	Date Filed
10-CA-273893	03/10/2021

INSTRUCTIONS:

1. EMP	LOYER AGAINST WHOM CHARGE IS BROUGHT	curring.
a. Name of Employer		b. Tel. No.
United States Postal Service		(912) 748-4186
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 1030 US Highway 80 W, Pooler, GA 31322-2114	e. Employer Representative	g. e-mail
		h. Number of workers employed 8
i. Type of Establishment (factory, mine, wholesaler, etc.) Post Office	j. Identify principal product or service Mail and Stamps	
The above-named employer has engaged in and is engaged	ging in unfair labor practices within the meaning of se	ction 8(a), subsections (1) and
(list subsections) (3), and (4)		oor Relations Act, and thest unfair labor
practices are practices affecting commerce within the me	eaning of the Act, or these unfair labor practices affect	ing commerce within the meaning of
the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise state	ement of the facts constituting the alleged unfair labor	r practices)
During the last six months, the Employer has reta	liated against (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and	other union members because of their
grievance filings, participation in the grievance pr	ocess, and other union and protected concerted	activities.
During the last six months, the Employer has reta	listed against (b) (6) (b) (7)(C) (b) (6) (b) (7)(C) because	usa DIG filed an unfair labor practice
charge against the Employer with the National La		med an umair labor practice
gg		
3. Full name of party filing charge (if labor organization, National Association of Letter Carriers, Branch 5	give full name, including local name and number) 78	
4a. Address (Street and number, city, state, and ZIP cod (b) (6), (b) (7)(C)	le)	4b. Tel. No. (b) (6), (b) (7)(C)
		4c. Cell No.
		4d. Fax No.
		4e. e-mail (b) (6), (b) (7)(C)
Full name of national or international labor organization	n of which it is an affiliate or constituent unit (to be fille	
National Association of Letter Carriers		
	LARATION	Tel. No.
are true to the hest of	ove charge and that the statements my knowledge and belief.	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C), (b) (6), (b) (7)(C)	Office, if any, Cell No.
(orgnature or oprocontative or person making charge)	(Print/type name and title or office, if any)	Fax No.
	4 1 (2) 4 1 (3)	e-mail
Address (b) (6), (b) (7)(C)	Date (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
WILLEL EN SE STATEMENTS ON THE SUMBO	CAN BE DINIGHED BY FINE AND IMPRISONMEN	UT (II C CODE TITLE 10 CECTION 1001)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



March 11, 2021

Nathan Gilbert, Field Attorney National Labor Relations Board, Region 10 233 Peachtree St., NE Harris Tower Ste. 1000 Atlanta, GA 30303 VIA E-MAIL

RE: UNFAIR LABOR PRACTICE CHARGE

Pooler, GA 31322

Case No.: 10-CA-273893 Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Gilbert:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Roderick D. Eves

Deputy Managing Counsel

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO	NOT	WRITE	IN THIS	SPACE

Case 10-CA-274002 Date Filed

3/11/21

FORM EXEMPT UNDER 44 U.S.C 3512

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT b. Tel. No. a. Name of Employer (704) 577-0814 **USPS** c. Cell No. f. Fax No. d. Address (Street, city, state, and ZIP code) e. Employer Representative g. e-Mail 3900 Crown Rd (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)@usps.gov GA Atlanta 30304 h. Number of workers employed 250 i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Transportation Mail & Packages k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--3. Full name of party filing charge (if labor organization, give full name, including local name and number) Title: (b) (6), (b) (7)(C) APWU Local #32 4b. Tel. No. 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C 4d. Fax No 4e. e-Mail (b) (6), (b) (7)(C) 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) AFL-CIO Tel. No. DECLARATION d the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) Office, if any, Cell No. Title: (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any) Fax No. e-Mail 03/11/2021 04:41:40 PM (b) (6), (b) (7)(C) (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining

representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
10/31/2020	(b) (6), (b) (7)(C)	Highway Contracts, PS 5429"s (Payment Forms)	11/15/2020



March 15, 2021

Kami Kimber, Field Examiner National Labor Relations Board, Region 10 233 Peachtree St NE Harris Tower, Suite 1000 Atlanta, GA 30303-1531 VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Atlanta, GA 30304

Case No.: 10-CA-274002 Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Kimber:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Roderick D. Eves

Deputy Managing Counsel

03-12-'21 15:11 FROM- NALC BR 73 (2-18)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

404-284-1993

T-441 P0002/0002 F-439

DO NOT WRITE IN THIS SPACE Date Filed 10-CA-274086 3-12-2021

(b) (6), (b) (7)(C)

INSTRUCTIONS: File an original with NLRS Regional Director for the region in	nuhich the ellered inferie labor practice account of the exercise	ina
***	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No.
United States Postal Service		404-325-3423
		c. Cell No.
		c. odil No.
		f. Fax. No.
·		
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	
3104 Briarcliff Road	Bobby Clark	g. e-mail
Atlanta, Georgia 30345	Falonda Woods	
		h. Number of workers employed
		26
i. Type, of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	<u> </u>
, , , , , , , , , , , , , , , , , , , ,	Deliver mail, packages	
The above-named employer has engaged in and is engage		8(a) subsections (1) and
(list subsections) (3)		Relations Act, and thest unfair labor
practices are practices affecting commerce within the mea		
the Act and the Postal Reorganization Act.	annig of the Aot, or these dilian labor bractices alterting t	of (more within the meaning of
Basis of the Charge (set forth a clear and concise state		-C-++\
violating the contract.		
3. Full name of party filing charge (if labor organization, gi National Association of Letter Carriers, Branch 73		
4a. Address (Street and number, city, state, and ZIP code)	4b. Tel. No.
1842 Candler Road		404-284-4222
Decatur, Georgia 30032		4c. Cell No.
		4d. Fax No.
		404-284-1993
		4e. e-mail
		nalebr73@gmail.com
5. Full name of national or international labor organization	of which it is an affiliate or constituent unit fto be filled in	when charge is filed by a labor organization)
	· · · · · · · · · · · · · · · · · · ·	,
	ARATION	Tel. No.
	ve charge and that the statements	(b) (6), (b) (7)(C)
are true to the best of the	y knowledge and belief.	Office, if any, Cell No.
Dieskann Matthews	Stephanie Matthews, NALC Br 73	404-284-4222
(signature of representative or person making charge)	(Print/type name and title or office, if any)	Fax No.
1842 Cardler Roa	· d	404-284-1993
Address Decature, Ga 3	2/10/0001	e-mail
Address Decatur, tra 5	0032 Date 3/12/2021	(b) (6) (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT



March 16, 2021

Kami Kimber, Field Examiner National Labor Relations Board, Region 10 233 Peachtree St NE Harris Tower, Suite 1000 Atlanta, GA 30303-1531 VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Atlanta, GA 30345

Case No.: 10-CA-274086 Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Kimber:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Roderick D. Eves

Deputy Managing Counsel

04-22-'21 13:12 FROM- NALC BR 73 FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD FIRST AMENDED CHARGE

404-284-1993	T-454	P0002/0002	F-487

DO NOT WRITE IN THIS SPACE

INSTRUCTIONS:

Case Date Filed AGAINST EMPLOYER 4/23/21 10-CA-274086 File an original with NLRB Regional Director for the region in which the alteged unfair labor practics occurred or is occurring.

1. EMPLOYER AC	SAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No. 404-325-3423
United States Postal Service		
		c. Cell No.
		f. Fax No:
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	·
3104 Briarcliff Rd. Atlanta, GA 30345	Bobby Clark Falonda Woods	g. e-Mail
Allelia, GA 60040	Talonda Woods	h. Number of workers employed 26
i. Type of Establishment (factory, mine, wholesaler, etc.) Postal Service	j. Identify principal product or service mail delivery	I
k. The above-named employer has engaged in and is engaging in	n unfair labor practices within the meaning of sec	tion 8(a), subsections (1) and (list
subsections) (3)	of the National Lab	or Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A		fair practices affecting commerce
2. Basis of the Charge (set forth a clear and concise statement of	f the facts constituting the alleged unfair labor pr	actices)
On about (b) (6), (b) (7)(C) 2021, the above-named Empl	oyer retaliated against its employee, (b) (6), (b) (7)(C), by removing ^{(b) (6), (}
from the work schedule for 30 days without cause o	r reason, because of press position as a	b) (6), (b) (7)(C) and in order to
discourage union activities.		
William and the second of the	(6) (6)	74/64
Within the previous six months, the above-named E assigned work facility when other employees could I		
discourage union activities	have been assigned, in regalization for	union activities, and in order to
discourage amor additions		
3. Full name of party filing charge (if labor organization, give full National Association of Letter Carriers, Branch 73	name, including local name and number)	
A. Addess (Otrost and number of the state and 710 and 1		4b. Tol No.
4a. Address (Street and number, city, state, and ZIP code)		^{4b. Tel. No.} 404-284-4222
1842 Candler Rd.		4c. Cell No.
Decatur, Georgia 30032		4d Fax No. 404 004 4000
		^{4d. Fax No.} 404-284-1993
		4e. e-Mail
		nalcbr73@gmail.com
 Full name of national or international labor organization of white organization National Association of Letter Carriers A 		in when charge is filed by a labor
National Association of Letter Carners A		
DECLARATION I declare that I have read the above charge and that the statements a	are true to the best of my knowledge and belief.	Tel. No. 404-284-4222
	nanie Matthews, Vice Pres.	
(alguatore of representative or person making charge) (F		Office if any Cell No. (b) (6), (b) (7)(C)
	Print/type name and title or office, if any)	Office if any Cell No. (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 10 401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

May 17, 2021

Stephani Matthews
National Association of Letter
Carriers Branch 73
1842 Candler Road
Decatur, GA 30032

Re: United States Postal Service Case 10-CA-274086

Dear Ms. Matthews:

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act and the Postal Reorganization Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

You allege that the United States Postal Service (USPS) violated Section 8(a)(1) and (3) of the Act by removing (b) (6), (b) (7)(c) from the work schedule for 30 days and assigning to work outside assigned facility in retaliation for position as a Union steward and in order to discourage Union activities. The investigation revealed that the parties entered into settlement agreements to resolve grievances underlying both allegations in this case. Pursuant to those agreements, USPS agreed to make (b) (6), (b) (7)(c) whole for any loss of earnings and agreed not to assign to work in other facilities in violation of the collective-bargaining agreement in the future.

I have reviewed the terms of these settlements and I find that they satisfy the Board's standards for deferring to such agreements set forth in *Alpha Beta Co.*, 273 NLRB 1546 (1985), petition for review denied sub nom. *Mahon v. NLRB*, 808 F.2d 1342 (9th Cir. 1987). See also *Postal Service*, 300 NLRB 196 (1990). The Region notes that the grievance settlement agreements were made pursuant to the grievance provisions of the parties' contract and that the issues resolved by the settlements are factually parallel to those raised in the unfair labor practice charge. Additionally, it appears from the evidence that the grievance proceedings were fair and regular and that the parties agreed to be bound to the terms of the agreement. Finally, the

investigation did not uncover evidence that the settlement agreements were repugnant to the policies and purposes of the Act. I am, therefore, refusing to issue complaint in this matter

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on June 1, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than May 31, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 1, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 1, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for

personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosure

cc: Bobby Clark
United States Postal Service
3104 Briarcliff Rd NE
Atlanta, GA 30345-9998

Dallas G. Kingsbury, Acting Managing Attorney United States Postal Service Law Department - NLRB Unit 1720 Market Street, Room 2400 St. Louis, MO 63155-9948

Falonda Woods United States Postal Service 3104 Briarcliff Rd NE Atlanta, GA 30345-9998

Patricia Delvecchio, NLRB Specialist United States Postal Service (Law Department - NLRB Unit) 1720 Market St., Room 2400 St. Louis, MO 63155-9948

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is here National Labor Relations Board from the action issue a complaint on the charge in	
Case Name(s).	
Case No(s). (If more than one case number, incl taken.)	ude all case numbers in which appeal is
	(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

FORM EXEMPT UNDER 44 U.S.C 3512 UNITED STATES OF AMERICA

INTERNET FORM NLRB-501

NATIONAL LABOR RELATIONS BOARD **CHARGE AGAINST EMPLOYER**

DO NOT WRITE	IN THIS SPACE
Case	Date Filed
10-CA-274752	03-29-2021

INSTRUCTIONS:

a. Name of Employer United States Postal Service D. Tel. No. (77) c. Cell No. f. Fax No.	
United States Postal Service c. Cell No.	70) 747 9777
	(0) 717-3777
£ FAl-	
LT FAX NO	
d. Address (Street, city, state, and ZIP code) e. Employer Representative	
g. e-Mail	
1605 Boggs Rd GA Duluth 30026 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	b) (7)(C) @usps.gov
	workers employed 15
 i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Vehicle Repair and Maintenance 	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection	ons (1) and <i>(list</i>
subsections) 5 of the National Labor Relations Act, an	nd these unfair labor
practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affect within the meaning of the Act and the Postal Reorganization Act.	
Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
See additional page	
3. Full name of party filing charge (if labor organization, give full name, including local name and number)	
(b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C), APWU	
American Postal Workers Union 4a Address (Street and number city state and 7IP code) 4b Tel No	
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6	s), (b) (7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No.	s), (b) (7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6	§), (b) (7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No.	3), (b) (7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No. 4d. Fax No.	
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7) 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is forganization)	7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7) 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is forganization) National	7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4b. Tel. No. 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7) 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is forganization) National 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	7)(C) filed by a labor
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4b. Tel. No. (b) (6 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7) 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is forganization) National Tel. No. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (c) (d) (d) (d) (f) (f) (f) (f) (f) (f) (f) (f) (f) (f	7)(C) filed by a labor o) (7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4b. Tel. No. (b) (6) 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7) National 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) By (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C), APWU (citraptive of representative or person making charge).	7)(C) filed by a labor o) (7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4b. Tel. No. 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7) National 1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) By Title: (b) (6), (b) (7)(C), APWU 4b. Tel. No. (b) (6 Coll No. 4c. Cell No. 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7) (c) (d) (e), (f) (f), (f) (f), (f) (f), (f), (f),	7)(C) filed by a labor o) (7)(C)
American Postal Workers Union 4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C) 4b. Tel. No. (b) (6) 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7) National 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) By (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C), APWU (citraptive of representative or person making charge).	7)(C) filed by a labor o) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining

representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
09/30/2020	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) Clock rings	10/04/2020
10/16/2020	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) Clock Rings	10/22/2020
10/30/2020	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) Clock Rings	11/05/2020



March 30, 2021

Kerstin Meyers, Field Attorney National Labor Relations Board, Subregion11 233 Peachtree St NE Harris Tower, Suite 1000 Atlanta, GA 30303-1504 VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Duluth, GA 30026

Case No.: 10-CA-274752 Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Meyers:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov. Very truly yours,

Roderick D. Eves

Deputy Managing Counsel

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD SETTLEMENT AGREEMENT

IN THE MATTER OF **United States Postal Service**

Case 10-CA-274752

Subject to the approval of the Acting Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in conspicuous locations where notices to employees are customarily posted at its facility located at 1605 Boggs Road, Duluth, Georgia 30026 (North Metro VMF). If the Employer's place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer's place of business reopens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of the Notice.

NON-ADMISSIONS CLAUSE-By entering into the Settlement Agreement, the charged party does not admit that it has violated the National Labor Relations Act

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. This Agreement is applicable to only the North Metro VMF. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the abovecaptioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to this evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Centralized Compliance Unit at complianceunit@nlrb.gov to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such documents.

[1] Her Harrier (1) Her A Color (2) (1) (1) 1 (1) (1) (1) (1) (1) (1) (1)			rved with a courtesy copy of		9020
Yes	No	KE		1	ķΕ

Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Centralized Compliance Unit in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged I	Party ates Postal Service		Charging Party American Postal Workers Un	nion
Print Name Kelly Elifs	Name and Title Life and Title below con, Attorney w Department - NLRB	Date 5/26/21	By: Name and Title (b) (6), (b) (Print Name and Title below (b) (6), (b) (7)(C), APWU	7)(C) _{5/29/2021}
Paramma	nded By:	Date 6/4/21	Approved By: /s/ Lisa Y. Henderson	Date
KERSTIN Field Atto	MEYERS		LISA Y. HENDERSON Acting Regional Director, Reg	ion 10



(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT fail to provide or unreasonably delay in providing the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of your rights under Section 7 of the Act.

WE HAVE provided the Union with the information it requested on September 30, 2020, October 16, 2020, and October 30, 2020.

	U	nited States Postal Serv	rice	
		(En	nployer)	
Dated:	Ву:			
A.		(Representative)	(Title)	

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at https://www.federalrelay.us/tty (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308

Telephone: (404)331-2896

Hours of Operation: 8 a.m. to 4:30 p.m.



THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Centralized Compliance Unit at complianceunit@nlrb.gov.

Horm NLRB - 501 (2-08)

UNITED STATES OF AMERICA

DO NOT WRITE IN THIS SPACE

NATIONAL LABOR RELAT	ja vyen	Case	Date Filed
CHARGE AGAINST I	EMPLOYER	- .	
		10-CA-275849	04/19/2021
ie an original of this charge with NLRB Regional	Director in which the alleged unfair labor to	practice occurred or is occurring	
Name of Employer	EMPLOYER AGAINST WHOM CHARGE	b. Tel. No.	
United States Postal Service		(912)053-3377	·
		c. Celi No.	
Address (street, city, state ZIP code)	e. Emoloyer Representative	f. Fax No.	
298 Ledford Street, Pembroke, GA	Buis Acuff	w- w	. '
31321	Postmaster	Şi. ⊎-Mail	
		h. Dispute Location (City and State)
		Pembroke, GA	
yee of Establishment (factory, nursing home,	j. Principal Product or Service	k. Number of worker	s at dispute location
hotel) Post Office	Mail	10	
C 1001. W11000	(TELEGI)	10	
(b) (6), (b) (7)(C) behavior to USPS mana (b) (b) (7)(C) behavior to USPS mana (b) (6), (b) (7)(C) Address (street and number, city, state, and (b) (6), (6), (b) (7)(C)	ation, give full name, including local name	and number) 5 (b) (6), (b) (7)(0	
		4d, Fax No.	
		4e e Mail	
		(b) (6), (b)	(7)(C)
Full næne of national or international labor orga yanizētion)	nization of which it is an affallate or constitu	uoni unii (to be Mieti in vihan chai	go is fileu by subbar
DECLARATION I declare that I have read the above charge a		Tel No	
my knowledge and belief.	nd that the statements are true to the b	est of (b) (6), (b) (7)(C)
(b) (6) (b) (7)(6)		est of (b) (6), (b) (7)(
By: (b) (6), (b) (7)(С (signature of терпераваемя от реавстивкия с	(b) (6), (b) (7)(C)		
$_{\rm By;}$ (b) (6), (b) (7)(0	(b) (6), (b) (7)(C) Print Name and True	Office, if any, Gelt No Fax No.	
(b) (6), (b) (7)(C	(b) (6), (b) (7)(C)	Office, if any, Cell No	

Sulicitation of the information on this forms is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seg. The principal use of the information is to easist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or linguismon. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Rug. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, influents supply the information will cause the NLRB to decline to anyoke its processes.



April 21, 2021

Joseph Webb, Field Attorney
National Labor Relations Board, Region 10
1130 22nd Street
S. Ridge Park Place, Ste. 3400
Birmingham, AL 35205-2885

VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Pembroke, GA 31321 Case No.: 10-CA-275849 Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Webb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Roderick D. Eves

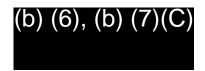
Deputy Managing Counsel



REGION 10 401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

July 21, 2021



Dallas G. Kingsbury, Acting Managing Attorney United States Postal Service Law Department - NLRB Unit 1720 Market Street, Room 2400 St. Louis, MO 63155-9948

> Re: United States Postal Service Case 10-CA-275849

Dear (b) (6), (b) (7)(C) and Mr. Kingsbury:

The Region has carefully considered the charge alleging that United States Postal Service violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

- 1. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
- 2. The April 16, 2021 threat of more stringent enforcement of disciplinary rules in retaliation for protected concerted activity as alleged in the charge is encompassed by the terms of the collective-bargaining agreement.

- 3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Union/Employer Conduct: If the Union or Employer fails to promptly process the grievance under the grievance/arbitration process; declines to arbitrate the grievance if it is not resolved; or if a conflict develops between the interests of the Union and the Charging Party, I may revoke deferral and resume processing of the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on

this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, www.nlrb.gov.

Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator: If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on August 4, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 3, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 4, 2021.** The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 4, 2021, **even if it is**

postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosures

cc: Lewis Acuff, Postmaster United States Postal Service 298 Ledford St Pembroke, GA 31321-4587

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD NOTICE TO ARBITRATOR

TO:		
	(Arbitrator)	
	(Address)	
		NLRB Case Number 10-CA-275849
NLR	B Case Name: United States Pos	al Service
NLRB proceed the uncertainty Region	Relations Board to administratively charge in the above matter. Further to arbitration before you in order to So that the Regional Director can be dersigned hereby requests that a cop	the Regional Director of Region 10 of the National defer to arbitration the further processing of the both parties to the NLRB case have agreed to presolve the dispute underlying the NLRB charge. The promptly informed of the status of the arbitration, and the arbitration award be sent to Regional Director, tlanta, GA 30308 at the same time that it is sent to the
		(Name)
		(Title)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE	Date:
Washington, DC 20570-0001	
I am appealing the action of the Reg	gional Director in deferring the charge in
Case Name(s).	
Case No(s). (If more than one case number taken.)	r, include all case numbers in which appeal is
	(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

FORM NLRB-501 (2-18)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN	THIS SPACE
Case 10-CA-276561	May 4, 2021

INSTRUCTIONS:

	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No.
US Postal Service		770-717-3451
North Metro P&DC		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	g. e-mail
1605 Boggs Road Duluth, GA 30026	Mark E. Wilson	mark.e.wilson@usps.gov
22.00., 0.7.00020		h. Number of workers employed 1200
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Mail Processing Facility	Mail Processing Service	
The above-named employer has engaged in and is engaged	A CONTRACTOR OF THE PARTY OF TH	section 8(a), subsections (1) and
(list subsections) (3), (4), (5) practices are practices affecting commerce within the mea	of the National L	abor Relations Act, and thest unfair labor
the Act and the Postal Reorganization Act.		
1) On or about [0.(6),(7)(7)(7)] 2021 the USPS be to myself, after I had retired from the USPS 2) The USPS on [0.6], [2] issued a debt investion of the USPS has further violates the Act, invoice, which is necessary for the investion of the investigation	6, from my annual leave balance. bice in the amount of ((a)(6),(b)(7)(c) for this by failing and refusing to provide reques pation of my grievance on this issue. but charges with the NLRB in the past.	s same said 72 hours of leave.
(b) (6), (b) (7)(C)		4b. Tel. No. 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-mail
(b) (6), (b) (7)(C)		4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-mail (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) 5. Full name of national or international labor organization 6. DECLA I declare that I have read the above	of which it is an affiliate or constituent unit <i>(to be fill</i>	4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-mail (b) (6), (b) (7)(C) led in when charge is filed by a labor organization) Tel. No.
(b) (6), (b) (7)(C) 5. Full name of national or international labor organization 6. DECLA	of which it is an affiliate or constituent unit (to be fill IRATION te charge and that the statements	4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-mail (b) (6), (b) (7)(C) led in when charge is filed by a labor organization)
(b) (6), (b) (7)(C) 5. Full name of national or international labor organization 6. DECLA I declare that I have read the above (b) (6), (b) (7)(0)	of which it is an affiliate or constituent unit (to be fill IRATION to charge and that the statements wiledge and belief. (b) (6), (b) (7)(C)	4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-mail (b) (6), (b) (7)(C) led in when charge is filed by a labor organization) Tel. No. Office, if any, Cell No. (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



May 5, 2021

Joseph Webb, Field Attorney
National Labor Relations Board, Region 10
1130 22nd Street
S. Ridge Park Place, Ste. 3400
Birmingham, AL 35205-2885

VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Duluth, GA 30026

Case No.: 10-CA-276561 Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Webb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

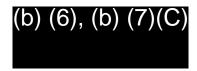
Dallas G. Kingsbury

Acting Deputy Managing Counsel

NATIONAL LABOR REGION 10 401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

July 19, 2021



Re: United States Postal Service Case 10-CA-276561

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act and the Postal Reorganization Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Employer violated subsections 8(a)(3), (4) and (5) of the Act in connection with leave deductions and a related debt invoice seeking repayment of the leave you allege was improperly charged to you. You were charged for leave after you retired from the Employer. However, the investigation revealed that local management had not been advised about your retirement date and therefore charged you with leave for the remainder of the pay period. The evidence was insufficient to demonstrate that the Employer's actions were discriminatory, unlawfully motivated or in retaliation for any Union or other protected activity.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on August 2, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 1, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 2, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 2, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosure

cc: Mark E. Wilson, Representative
United States Postal Service
North Metro P&DC
1605 Boggs Road
Duluth, GA 30026-4600

Dallas G. Kingsbury, Acting Managing Attorney United States Postal Service Law Department - NLRB Unit 1720 Market Street, Room 2400 St. Louis, MO 63155-9948

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is her National Labor Relations Board from the action issue a complaint on the charge in	eby taken to the General Counsel of the n of the Regional Director in refusing to
Case Name(s).	<u> </u>
Case No(s). (If more than one case number, included taken.)	lude all case numbers in which appeal is
	(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
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 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
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- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
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 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
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- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE Date Filed Case 10-CA-276623 05-04-2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.		
1.	EMPLOYER AGAINST WHOM CHARGE IS BR	ROUGH1
a. Name of Employer United States Postal Service		b. Tel. No. 65 3 (912) 858 -3377
		c. Cell No.
d. Address (street, city, state ZIP code) 298 Ledford Street, Pembroke, GA e. Employer Representative Luis Acuff		f. Fax No.
31321	Postmaster	g. e-Mail
		h. Dispute Location (City and State) Pembroke, GA
i. Type of Establishment (factory, nursing home, hotel)	j. Principal Product or Service	k. Number of workers at dispute location
Postal Service	Mail	20
 The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 		
Basis of the Charge (set forth a clear and conci	se statement of the facts constituting the alleged	d unfair labor practices)
Since about April 20, 2021, the Emplorights protected by Section 7 of the Ad	yer has interfered with, restrained, and t by interrogating employees regarding	d coerced its employees in the exercise of g the underlying facts in unfair labor
practice charges without providing the	m with Johnnie's Poultry assurances.	-
3. Full name of party filing charge (if labor organiz (b) (6), (b) (7)(C)		
4a. Address (street and number, city, state, and Z (b) (6), (b) (7)(C)	IP code)	4b. Tel. No. (b) (6), (b) (7)(C)
		4c. Cell No.

4d. Fax No. 4e. e-Mail (b) (6), (b) (7)(C) 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Tel. No. 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of (b) (6), (b) (7)(C) my knowledge and belief. Office, if any, Cell No. (b) (6), (b) (7)(C By: Fax No. Print Name and Title (signature king charge) e-Mail Address: (b) (6), (b) (7)(C) Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seg. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)



May 10, 2021

Joseph Webb, Field Attorney National Labor Relations Board, Region 10 1130 22nd Street S. Ridge Park Place, Ste. 3400 Birmingham, AL 35205-2885 VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Pembroke, GA 31321 Case No.: 10-CA-276623 Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Webb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Dallas G. Kingsbury

Acting Deputy Managing Counsel

Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

July 21, 2021

Dallas G. Kingsbury, Acting Managing Attorney United States Postal Service Law Department - NLRB Unit 1720 Market Street, Room 2400 St. Louis, MO 63155-9948

> Re: United States Postal Service Case 10-CA-276623

Dear Mr. Kingsbury:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

cc:

(b) (6), (b) (7)(C)

Luis Acuff, Postmaster United States Postal Service 298 Ledford Street Pembroke, GA 31321 FROM: OfficeMax #6418

P. 2/2

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

INSTRUCTIONS: File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-276942	05/11/2021

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer United States Postal Service (Mableton, GA)		b. Tel. No.
		c. Cell No.
d. Address (street, city, state ZIP code) 5284 Floyd Road SW, Mableton, GA	e. Employer Representative Vonita Cabe, Post Master	f. Fax No.
30126		g. e-Mail
		h. Dispute Location (City and State) Mableton, GA
 Type of Establishment (factory, nursing home, hotel) 	J. Principal Product or Service	k. Number of workers at dispute location
Postal office	Postal service	60 - 4 _O
The above-named employer has engaged in and the National Labor Relations Act, and these unfair labor practices are unfair practices affecting comm	labor practices are practices affecting commerce	within the meaning of the Act, or these unfair
Basis of the Charge (set forth a clear and concise		
Within the past six months, the Postal because of out union activities.	Service has failed to process, or denied	(b) (6), (b) (7)(C) reassignment requests
3. Full name of party filing charge (if labor organiza (b) (6), (b) (7)(C)	tion, give full name, including local name and num	nber)
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No.
		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
4e. e-Mail (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
 Full name of national or International labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) 		
(b) (6), (b) (7)(C) nd that the statements are true to the best of		Tel. Na.
	(b) (6), (b) (7)(C)	Office, if any, Cell No. (b) (6), (b) (7)(C)
	_	Fax No.
(b) (6), (b) (7)(C)	Date: 4-19-21	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



May 14, 2021

Laura Evins, Field Attorney
National Labor Relations Board, Region 10
233 Peachtree St., NE
Harris Tower-Suite 1000
Atlanta, GA 30303

VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Mableton, GA 30126 Case No.: 10-CA-276942 Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Evins:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Dallas G. Kingsbury

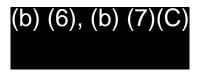
Acting Deputy Managing Counsel

RELATIONS BO

REGION 10 401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

July 15, 2021



Re: United States Postal Service Case 10-CA-276942

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on July 29, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 28, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 29, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 29, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosure

cc: Vonita Cabe, Postmaster
United States Postal Service
5284 Floyd Road SW
Mableton, GA 30126-9998

Dallas G. Kingsbury, Acting Managing Attorney United States Postal Service Law Department - NLRB Unit 1720 Market Street, Room 2400 St. Louis, MO 63155-9948

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is here! National Labor Relations Board from the action issue a complaint on the charge in	•
Case Name(s).	
Case No(s). (If more than one case number, inclutaken.)	de all case numbers in which appeal is
	(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD **CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-277648	05-26-2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the		j.	
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer		b. Tel. No. (706) 234-9456	
United States Postal Service		. ,	
		c. Cell No.	
		f. Familia	
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	f. Fax No.	
u. Address (Street, City, State, and 211 Code)	o. Employor Representative	g. e-Mail	
1420 Martha Berry Blvd.	Tracy Huddleston	tracy.huddleston@usps.gov	
GA Rome 30165	Postmaster		
		h. Number of workers employed 75	
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service		
Transportation	Mail Delivery		
k. The above-named employer has engaged in and is engaging i	in unfair labor practices within the meaning of section	on 8(a), subsections (1) and (list	
subsections) 5	of the National Labor	Relations Act, and these unfair labor	
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A		air practices affecting commerce	
Basis of the Charge (set forth a clear and concise statement of the charge)		ctices	
2. Dasis of the Charge (set forth a clear and concise statement of	or the facts constituting the alleged diffall labor prac	cicesy	
See additional page			
3. Full name of party filing charge (if labor organization, give full name, including local name and number)			
(b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(G), Branch 536			
National Association of Letter Carriers (NALC)			
4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6), (b) (7)(C)			
	L		
(b) (6), (b) (7)(C)	4	c. Cell No.	
	4	1d. Fax No.	
	4	e. e-Mail	
		(b) (6), (b) (7)(C)	
5 Full name of national or international labor organization of wh	ich it is an affiliate or constituent unit <i>(to be filled in</i>		
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
AFL-CIO			
6. DECLARATION	-	Tel. No.	
I declare that I have read the above charge and that the statements	are true to the best of my knowledge and belief.	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No.	
By Title:	(b) (6). (b) (7)(c), Branch 536	,,,,	
	Print/type name and title or office, if any)	-ax No.	
		Mail	
(b) (6), (b) (7)(C)	05/26/2021 05:12:38 AM	e-Mail	
(b) (6), (b) (7)(C) Address		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.



June 3, 2021

Anna Cobb, Field Examiner
National Labor Relations Board, Region 10
233 Peachtree St. NE
Harris Tower Ste. 1000
Atlanta, GA 30303-1504

VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Rome, GA 30161

Case No.: 10-CA-277648 Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Cobb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Dallas G. Kingsbury

Acting Deputy Managing Counsel



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 10 401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

June 10, 2021

Dallas G. Kingsbury, Acting Managing Attorney United States Postal Service Law Department - NLRB Unit 1720 Market Street, Room 2400 St. Louis, MO 63155-9948

> Re: United States Postal Service Case 10-CA-277648

Dear Mr. Kingsbury:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

cc: Tracy Huddleston, Postmaster United States Postal Service 1420 Martha Berry Blvd. Rome, GA 30165

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Branch 536

National Association of Letter Carriers
(b) (6), (b) (7)(C)

FORM EXEMPT UNDER 44 U.S.C 3512

INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
10-CA-277885	06-01-2021	

INSTRUCTIONS:

ile an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.		
a. Name of Employer b. Tel. No.		
usps		(678) 433-0216
aspe		c. Cell No.
d Address (Street situ state and 710 ands)	e. Employer Representative	f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	g. e-Mail
850 Windy Hill Rd	ron watson	3
GA Smyrna 30080	Ron Watson	h. Number of workers employed
		100
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Services	mail	
k. The above-named employer has engaged in and is engaging i	n unfair labor practices within the meaning of sect	tion 8(a), subsections (1) and (list
subsections) 1,4,3,5	of the National Labo	or Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning	g of the Act, or these unfair labor practices are unf	fair practices affecting commerce
within the meaning of the Act and the Postal Reorganization A	Act.	
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pra	actices)
See additional page		
See additional page		
3. Full name of party filing charge (if labor organization, give full name, including local name and number)		
(b) (6), (b) (7)(C) Title:		
4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No.		
(b) (6), (b) (7)(C)		
(b) (6), (b) (7)(C)		
	-	4d. Fax No.
		TO. TOX NO.
	[4e. e-Mail
		(b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor		
organization)		
		Tal Na
6. DECLARATION I declare that I have read the above charge and that the statements a		Tel. No.
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
	b) (6), (b) (7)(C)	Office, if any, Cell No.
By (signature of representative or person making charge) Title:	Print/type name and title or office, if any)	Fax No.
		I da NO.
(b) (c) (b) (7)(c)		e-Mail
(b) (6), (b) (7)(C)	05/30/2021 07:56:24 AM (date)	(b) (6), (b) (7)(C)
Address	(date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(4)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) filed charges or cooperated with the NLRB.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	failure to offer limited	^{©)(©, ©)(7} /2021

8(a)(3)

Within the previous six-months, the Employer has refused to reinstate an employee(s) after an unconditional offer to return to work.

Name of employees denied reinstatement or recall	Approximate Date restatement or recall denied
(b) (6), (b) (7)(C)	^{図(国) (2} /2021

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they joined or supported a union.

Name of Employer's Agent/Representative who made the statement	Approximate date
(b) (6), (b) (7)(C)	^{छाकाळार} /2020

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from forming, joining, or supporting a labor organization.

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from contacting and/or filing charges with the National Labor Relations Board.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
limited job assignment	୭(୭.୭)ଟ/2021



June 4, 2021

Kami Kimber, Field Examiner National Labor Relations Board, Region 10 233 Peachtree St NE Harris Tower, Suite 1000 Atlanta, GA 30303-1531 VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE

Smyrna, GA 30080

Case No.: 10-CA-277885 Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Kimber:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at Patricia.Delvecchio@usps.gov.

Very truly yours,

Dallas G. Kingsbury

Acting Deputy Managing Counsel

INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD FIRST AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
10-CA-277885	6/8/21	

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which t	·	ng.
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer		b. Tel. No. 678-433-0216
United States Postal Service		070-455-0210
United States Pustal Service		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	1. T dx 140.
850 Windy Hill Rd.,	Ron Watson	g. e-Mail
Smyrna, GA 30080	Postmaster	
¥7		h. Number of workers employed 100
i. Type of Establishment (factory, mine, wholesaler, etc.) Postal Service	j. Identify principal product or service Mail Delivery	
k. The above-named employer has engaged in and is engaging	g in unfair labor practices within the meaning of sec	ction 8(a), subsections (1) and (list
subsections) 3, and 4	of the National Lab	or Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization		nfair practices affecting commerce
2. Basis of the Charge (set forth a clear and concise statement	t of the facts constituting the alleged unfair labor pr	ractices)
Since about (b) (6), (b) (7)(C), 2021, the above-named Er	nployer retaliated against (b) (6), (b) (7)(C) by	refusing to process on the
job injury claim, refusing to pay continuous pay	y following an on-the-job injury, and refus	sing to allow to perform
limited duty work, because engaged in Union	activities and to discourage other employ	yees from engaging in Union
activities.		
		(b) (6) (b) (7)(C)
Since about (b) (6), (b) (7)(c) 2021, the above-named En	· · · · · · · · · · · · · · · · · · ·	
job injury claim, refusing to pay continuous pay		sing to allow to perform
limited duty work because filed charges or coo	operated with the NERD	
(b) (6), (b) (7)(C) party filing charge (if labor organization, give fu	ill name, including local name and number)	
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		4c. Cell No.
		4d. Fax No.
		4e. e-Mail
		(b) (6), (b) (7)(C)
5. Full name of national or international labor organization of v	which it is an affiliate or constituent unit (to be filled	in when charge is filed by a labor
organization)		
O DEOLADATIO		Tel. No.
6. DECLARATION for I declare that I have read the above charge and that the statement		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		Office, if any, Cell No.
By (b) (6	5), (b) (7)(C)	Onice, it dity, Cell NO.
(si (Print/type name and title or office, if any)		Fax No.
(b) (6) (b) (7)(C)	()/2/04/2/	e-Mail
(b) (6), (b) (7)(C) Address	(date)	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

RELATIONS BO

REGION 10 401 W. Peachtree Street, NE Suite 2201 Atlanta, GA 30308

Agency Website: www.nlrb.gov Telephone: (404)331-2896 Fax: (404)331-2858

July 14, 2021



Re: United States Postal Service Case 10-CA-277885

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on July 28, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 27, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 28, 2021.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 28, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON Acting Regional Director

Enclosure

cc: Ron Watson, Postmaster United States Postal Service 850 Windy Hill Rd Smyrna, GA 30080

> Dallas G. Kingsbury, Acting Managing Attorney United States Postal Service Law Department - NLRB Unit 1720 Market Street, Room 2400 St. Louis, MO 63155-9948

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is here National Labor Relations Board from the action issue a complaint on the charge in	
Case Name(s).	
Case No(s). (If more than one case number, included taken.)	ude all case numbers in which appeal is
	(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.